

875—110.3(88,89B) Hazard determination.

110.3(1) Chemical manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to determine if they are hazardous. Employers are not required to evaluate chemicals unless they choose not to rely on the evaluation performed by the chemical manufacturer or importer for the chemical to satisfy this requirement. Employers who mix or otherwise combine chemicals are chemical manufacturers of that resultant chemical.

110.3(2) Chemical manufacturers, importers, or employers evaluating chemicals shall identify and consider the available scientific evidence concerning the hazards. For health hazards, evidence which is statistically significant and which is based on at least one positive study conducted in accordance with established scientific principles is considered to be sufficient to establish a hazardous effect if the results of the study meet the definitions of health hazards in rule 110.2(88,89B). Appendix A (available from the division) shall be consulted for the scope of health hazards covered, and Appendix B (available from the division) shall be consulted for the criteria to be followed with respect to the completeness of the evaluation, and the data to be reported.

110.3(3) The chemical manufacturer, importer, or employer evaluating chemicals shall treat the following sources as establishing that the chemicals listed in them are hazardous:

- a. 29 CFR Part 1910, Subpart Z, (1986) Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA); or
- b. “Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment,” American Conference of Government Industrial Hygienists (ACGIH) (1986).

The chemical manufacturer, importer, or employer is still responsible for evaluating the hazards associated with the chemicals in these source lists in accordance with the requirements of this chapter.

110.3(4) Chemical manufacturers, importers, and employers evaluating chemicals shall treat the following sources as establishing that a chemical is a carcinogen or potential carcinogen for hazard communication purposes:

- a. National Toxicology Program (NTP), “Annual Report on Carcinogens” (1982);
- b. International Agency for Research on Cancer (IARC) Monographs (1982); or
- c. 29 CFR Part 1910, Subpart Z, (1986) Toxic and Hazardous Substances, Occupational Safety and Health Administration.

NOTE—The “Registry of Toxic Effects of Chemical Substances” published by the National Institute for Occupational Safety and Health indicates whether a chemical has been found by NTP or IARC to be a potential carcinogen. The original document referenced in RTECS must be consulted in all instances. RTECS should be regarded as a locator document only.

110.3(5) The chemical manufacturer, importer, or employer evaluating chemicals shall determine the hazards of mixtures of chemicals as follows:

- a. If a mixture has been tested as a whole to determine its hazards, results of the testing shall be used to determine whether the mixture is hazardous;
- b. If a mixture has not been tested as a whole to determine whether the mixture is a health hazard, the mixture shall be assumed to present the same health hazards as do the components which comprise 1 percent (by weight or volume) or greater of the mixture, except that the mixture shall be assumed to present a carcinogenic hazard if it contains a component in concentrations of 0.1 percent or greater which is considered to be a carcinogen under subrule 110.3(4);
- c. If a mixture has not been tested as a whole to determine whether the mixture is a physical hazard, the chemical manufacturer, importer, or employer may use whatever scientifically valid data is available to evaluate the physical hazard potential of the mixture; and
- d. If the chemical manufacturers, importers, or employers have evidence to indicate that a component present in the mixture in concentrations of less than 1 percent (or in the case of carcinogens, less than 0.1 percent) could be released in concentrations which would exceed an established division (OSHA) permissible exposure limit or ACGIH Threshold Limit Value (1985-1986), or could present a health hazard to employees in those concentrations, the mixture shall be assumed to present the same hazard.

110.3(6) Chemical manufacturers, importers, or employers evaluating chemicals shall describe in writing the procedures they use to determine the hazards of the chemical they evaluate. The procedures shall be made available as specified in 875—subrule 120.2(2).